

IPEA/ US

Rec PCT/PTC 02 DEC 2004
CHAPTER II

PCT

DEMAND

under Article 31 of the Patent Cooperation Treaty:
The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty and hereby elects all eligible States (except where otherwise indicated).

For International Preliminary Examining Authority use only

| | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------------|--|
| Identification of IPEA | | Date of receipt of DEMAND | |
| Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION | | Applicant's or agent's file reference 16325-138PC | |
| International application No. PCT/US03/17941 | International filing date (day/month/year) 04 June 2003 (04.06.03) | (Earliest) Priority date (day/month/year) 04 June 2002 (04.06.02) | |
| Title of invention METHODS OF DIAGNOSING & TREATING DIABETES AND INSULIN RESISTANCE | | | |
| Box No. II APPLICANT(S) | | | |
| Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) METABOLEX, INC. 3876 Bay Center Place Hayward, California 94545 United States of America | | Telephone No.: 510.293.8800 | |
| | | Facsimile No.: 510.293.9090 | |
| | | Teleprinter No.: | |
| | | Applicant's registration No. with the Office | |
| State (that is, country) of nationality: US | | State (that is, country) of residence: US | |
| Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) ALLAN, Bernard 940 Guerrero Street San Francisco, California 94110 United States of America | | | |
| State (that is, country) of nationality: IE | | State (that is, country) of residence: US | |
| Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) LAVAN, Brian 2020 Lawton Street San Francisco, California 94122 United States of America | | | |
| State (that is, country) of nationality: GB | | State (that is, country) of residence: US | |
| <input checked="" type="checkbox"/> Further applicants are indicated on a continuation sheet. | | | |

Continuation of Box No. II APPLICANT(S)

If none of the following sub-boxes is used, this sheet should not be included in the demand.

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

MOODIE, Shonna
2091 Golden Gate
San Francisco, California 94115
United States of America

State *(that is, country)* of nationality:

GB

State *(that is, country)* of residence:

US

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

WATERS, Steve
1 Lobelia Lane
San Ramon, California 94583
United States of America

State *(that is, country)* of nationality:

US

State *(that is, country)* of residence:

US

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

WONG, Chi-Wai
28073 Thorup Lane
Hayward, California 94542
United States of America

State *(that is, country)* of nationality:

CN

State *(that is, country)* of residence:

US

☐ Further applicants are indicated on a continuation sheet.

Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The following person is ☒ agent ☐ common representative
 and ☒ has been appointed earlier and represents the applicant(s) also for international preliminary examination.
☐ is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.
☐ is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

LOCKYER, Jean, M.
 TOWNSEND AND TOWNSEND AND CREW LLP
 Two Embarcadero Center, 8th Floor
 San Francisco, California 94111-3834
 United States of America

Telephone No.:

415.576.0200

Facsimile No.:

415.576.0300

Teleprinter No.:

Agent's registration No. with the Office

44,879

☐ Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION**Statement concerning amendments:***

1. The applicant wishes the international preliminary examination to start on the basis of:

☒ the international application as originally filed

the description

☐

as originally filed

☒

as amended under Article 34

the claims

☒

as originally filed

☐

as amended under Article 19 (together with any accompanying statement)

☐

as amended under Article 34

the drawings

☒

as originally filed

☐

as amended under Article 34

2. ☐ The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.

3. ☐ The applicant wishes the start of the international preliminary examination to be postponed until the expiration of 20 months from the priority date unless the International Preliminary Examining Authority receives a copy of any amendments made under Article 19 or a notice from the applicant that he does not wish to make such amendments (Rule 69.1(d)). *(This check-box may be marked only where the time limit under Article 19 has not yet expired.)*

* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination: ENGLISH

☒ which is the language in which the international application was filed.

☐ which is the language of a translation furnished for the purposes of international search.

☐ which is the language of publication of the international application.

☐ which is the language of the translation (to be) furnished for the purposes of international preliminary examination.

Box No. V ELECTION OF STATES

The applicant hereby elects all eligible States *(that is, all States which have been designated and which are bound by Chapter II of the PCT)*

excluding the following States which the applicant wishes not to elect:

Box No. VI CHECK LIST

The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination:

- | | | | |
|--------------------------------------------------------------------------|---|---|--------|
| 1. translation of international application | : | | sheets |
| 2. amendments under Article 34 | : | 5 | sheets |
| 3. copy (or, where required, translation) of amendments under Article 19 | : | | sheets |
| 4. copy (or, where required, translation) of statement under Article 19 | : | | sheets |
| 5. letter | : | 1 | sheet |
| 6. other (<i>specify</i>) | : | | sheets |

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received not received

| | |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |

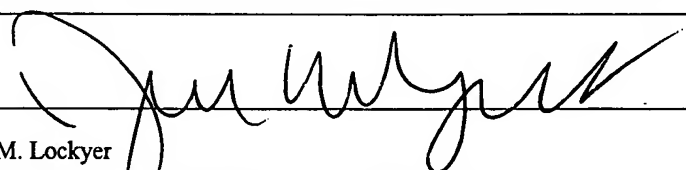
The demand is also accompanied by the item (s) marked below:

- | | |
|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> fee calculation sheet | 5. <input type="checkbox"/> statement explaining lack of signature |
| 2. <input type="checkbox"/> original separate signed power of attorney | 6. <input checked="" type="checkbox"/> sequence listing in computer readable form |
| 3. <input type="checkbox"/> original general power of attorney; | 7. <input type="checkbox"/> tables in computer readable form related to sequence listings |
| 4. <input type="checkbox"/> copy of general power of attorney; reference number, if any: | 8. <input checked="" type="checkbox"/> other (<i>specify</i>) Transmittal Letter; Article 34 Amendment with five (5) substitute specification pages 23, 24, 43, 44 and 80; Forty-nine (49) pages of Sequence Listing, Statement and Diskette; Postcard |

Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).

X


 Jean M. Lockyer
 TOWNSEND AND TOWNSEND AND CREW LLP
 USPTO Reg. No.: 44,879
 Applicants' Agent

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| |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Date of actual receipt of DEMAND: |
| 2. Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b): |
| 3. <input type="checkbox"/> The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply. <input type="checkbox"/> The applicant has been informed accordingly. |
| 4. <input type="checkbox"/> The date of receipt of the demand is WITHIN the period of 19 months from the priority date as extended by virtue of Rule 80.5. |
| 5. <input type="checkbox"/> Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rule 82. |

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Demand received from IPEA on:

PCT

FEE CALCULATION SHEET

Annex to the Demand

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| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| International application No. PCT/US03/17941 Applicant's or agent's file reference 16325-138PC Applicant METABOLEX, INC. <i>et al.</i> | Date stamp of the IPEA |
| CALCULATION OF PRESCRIBED FEES | |
| 1. Preliminary examination fee | 490.00 P |
| 2. Handling fee (<i>Applicants from certain States are entitled to a reduction of 75% of the handling fee. Where the applicant is (or all applicants are) so entitled, the amount to be entered at H is 25% of the handling fee.</i>) | 172.00 H |
| 3. Total of prescribed fees Add the amounts entered at P and H and enter total in the TOTAL box | <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">662.00</div> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">TOTAL</div> |
| MODE OF PAYMENT | |
| <input checked="" type="checkbox"/> authorization to charge deposit account with the IPEA (see below) | <input type="checkbox"/> cash |
| <input type="checkbox"/> cheque | <input type="checkbox"/> revenue stamps |
| <input type="checkbox"/> postal money order | <input type="checkbox"/> coupons |
| <input type="checkbox"/> bank draft | <input type="checkbox"/> other (<i>specify</i>): |
| AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT ACCOUNT <i>(This mode of payment may not be available at all IPEAs)</i> | |
| The IPEA/ <u>US</u> | |
| <input checked="" type="checkbox"/> is hereby authorized to charge the total fees indicated above to my deposit account. | |
| <input checked="" type="checkbox"/> (<i>this check-box may be marked only if the conditions for deposit accounts of the IPEA so permit</i>) is hereby authorized to charge any deficiency or credit any overpayment in the total fees indicated above to my deposit account. | |
| <u>20-1430</u> Deposit Account Number | <u>5 January 2004</u> Date (day/month/year) |
| <div style="text-align: right;"> Signature <u>Jean M. Lockyer</u> </div> | |

Form PCT/IPEA/401 (Annex) (July 1998; reprint July 1999)
(60110487 v1)

See Notes to the fee calculation sheet